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December 10, 2019

BY ECF

Honorable Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Jermaine Dunham v. City of New York, et al.,
11 Civ. 1223 (ALC) (SLC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the City of New York, Philip Lobello and Lamar Oliver in the above referenced matter. In that capacity I write to respectfully request an adjournment of the conference presently scheduled for Tuesday, December 17, 2019 at 2:30 p.m. until a date and time after which the Honorable Judge Andrew L. Carter, Jr. rules on the defendants' request for a pre-motion conference and motion to stay Monell discovery, filed earlier today. Plaintiff's counsel, Maxwell Brown, Esq., does not consent to this request. This is defendants' first request to adjourn the initial conference.

By way of background, plaintiff brings claims of excessive force, deliberate indifference to medical needs, malicious prosecution and municipal liability stemming from his arrest on February 14, 2008. Throughout the course of this litigation the parties have exchanged paper discovery and in July of this year the party depositions were completed. Defendants have requested a pre-motion conference in anticipation of a fully dispositive summary judgment motion, as well as a request to stay and bifurcate Monell until a date after which liability has been determined against any individual City defendants.

For the foregoing reasons, defendants respectfully request an adjournment of the conference scheduled for December 17, 2019.

Respectfully submitted,

/s/

Joseph Zangrilli
Senior Counsel

cc: BY ECF
All counsel of record

Defendants' Letter-Motion to adjourn the Initial Conference (ECF No. 125) is DENIED. The Clerk of Court is respectfully directed to close ECF No. 125 and, in accordance with the Fourth Amended Complaint (ECF No. 119), update the case caption to reflect that the City of New York is still a defendant.

SO ORDERED 12/11/19


SARAH L. CAVE
United States Magistrate Judge